

IN THE UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF
WISCONSIN

The ESTATE OF SYLVILLE K. SMITH, by)	
Personal Representative Mildred Haynes,)	No. 17-cv-862
Patrick Smith, and Mildred Haynes, on her)	
own behalf,)	
)	
Plaintiffs,)	JURY TRIAL DEMANDED
)	
v.)	
)	
CITY OF MILWAUKEE, WISCONSIN)	
and DOMINIQUE HEAGGAN-BROWN,)	
)	
Defendants.)	

EXHIBIT 8

Waldner Deposition Transcript

David B. Owens
Danielle Hamilton
LOEVY & LOEVY
311 N. Aberdeen St, Third FL
Chicago, IL 60607
(312) 243-5900

In the Estate of Sylville K. Smith vs City of Milwaukee, et al.

2:17 cv 862-LA

Transcript of the Testimony of:

OFFR. NICOLE J. WALDNER

October 30, 2018



1 IN THE UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF WISCONSIN

3 -----
4 The ESTATE OF SYLVILLE K. SMITH,
5 by Personal Representative Mildred
6 Haynes, Patrick Smith, and Mildred
7 Haynes, on her own behalf,

8 Plaintiffs,

9 vs. Case No. 2:17 cv 862-LA

10 CITY OF MILWAUKEE, WISCONSIN
11 AND DOMINIQUE HEAGGAN-BROWN,

12 Defendant.
13 -----

14 Deposition of OFFR. NICOLE J. WALDNER

15 Tuesday, October 30th, 2018

16 1:07 p.m.

17 at

18 CITY ATTORNEY'S OFFICE
19 841 North Broadway
20 Milwaukee, Wisconsin

21
22
23
24 Reported by Sandra K. Nelson

25 Registered Professional Reporter

Deposition of OFFR. NICOLE J. WALDNER,
a witness in the above-entitled action, taken at
the instance of the Plaintiffs, pursuant to the
Federal Rules of Civil Procedure, pursuant to
Notice, before Sandra K. Nelson, RPR and Notary
Public, State of Wisconsin, at the CITY
ATTORNEY'S OFFICE, 841 North Broadway, Suite 716,
Milwaukee, Wisconsin 53202-3515, on the 30th day
of October, 2018 commencing at 1:07 p.m. and
concluding at 2:01 p.m.

A P P E A R A N C E S:

LOEVY & LOEVY, by
Ms. Danielle Hamilton
311 North Aberdeen Street, Suite 300
Chicago, Illinois 60607
Appeared on behalf of Plaintiffs;

CITY ATTORNEY'S OFFICE, by
MS. Naomi E. Gehling
841 North Broadway, Suite 716
Milwaukee, Wisconsin 53202-3515
Appeared on behalf of Defendant.

E X A M I N A T I O N

BY MS. HAMILTON:

3

E X H I B I T S

EXHIBIT NO.	PAGE IDENTIFIED
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Exh. 13	Topic Acknowledgment for Dominique Heaggan	21
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1 TRANSCRIPT OF PROCEEDINGS

2 OFFR. NICOLE J. WALDNER, called as a
3 witness herein, having been first duly sworn on oath,
4 was examined and testified as follows:

5 EXAMINATION

6 BY MS. HAMILTON:

7 Q Good afternoon.

8 A Hi.

9 Q My name is Danielle Hamilton. I represent the
10 plaintiffs in this case. Can you state your name
11 and spell it for the record?

12 A Nicole Waldner; N-I-C-O-L-E, W-A-L-D-N-E-R.

13 Q And where are you currently employed?

14 A Milwaukee Police Department.

15 Q And what is your title there?

16 A Captain-training director.

17 Q Okay. And what is the captain or the training
18 director -- what are the job responsibilities?

19 A All training of new recruits, police aides, and
20 continuous training for veteran officers.

21 Q Do you provide continuous training for police
22 officers after they've passed the recruitment
23 period?

24 A Yes. Those were the veterans I meant. That's
25 what I was referring to.

1 A I don't know of any.

2 Q And officers are not allowed to pick and choose
3 which topics they acknowledge or don't
4 acknowledge, correct?

5 A No. On the computer screen, every single one of
6 them that is new or changed is listed.

7 Q And they're required, pursuant to the rules of
8 the department, in training to review those topic
9 acknowledgments and acknowledge that they've read
10 them; is that correct?

11 A Yes.

12 Q And would officers be able to -- take use of
13 force, for example. If an officer had not signed
14 the standard operating procedure for use of
15 force, would they be able to use force out in the
16 field?

17 A Sign it? You mean as a topic acknowledgment?
18 Like the change?

19 Q Right.

20 A Yes, they would still use force.

21 Q So there's no requirement from a training
22 perspective that they acknowledge these topics in
23 order to be able to -- if we're using force as an
24 example, there's no requirement they have to sign
25 the standard operating procedure for use of force

1 in order to use force out in the field?

2 A No. They would have had that -- this in
3 training.

4 But the change -- I don't know
5 that there's a way to determine -- well,
6 apparently there is. I've never seen this
7 before, like, if they read it or not.

8 Q Okay. I think -- I don't have any more questions
9 about this so you can put that aside.

10 A This?

11 Q Yeah. So what are training officers given
12 regarding whether they can use force -- use
13 lethal force against a civilian?

14 A That would be in the use of force training within
15 the recruit program and then if it comes up as an
16 in-service topic.

17 Q How do topics come up as in-service?

18 A Many different ways. Some of them are dictated
19 by the state, some of them will be dictated by
20 the executive staff, there's other committees.

21 And I tend to -- well, I used to
22 go to internal affairs and say, "What are you
23 seeing as a trend that I need to train? Like
24 what are we getting wrong? Where are the
25 complaints coming from?"